THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE SRI JUSTICE C.V. RAMULU

Date: 25—08—2005

W.P. No. 18805 of 2005

Between:

Md. Nazimullah

…Petitioner.

A n d

The Manchrial Municipality,

Rep. By the Commissioner.

…Respondents.

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P. No. 18805 of 2005

O R D E R: (per Sri B. Sudershan Reddy, J)

Heard the learned counsel for the petitioner and the learned standing counsel appearing on behalf of the respondent – Manchrial Municipality and at their request the matter is taken up for final disposal. Rule nisi.

The petitioner is aggrieved by the action of the respondent – Municipality in assessing the property tax in respect of premises D.No.5-23 and 5-24, situated at Manchrial, at Rs.13,000/- per annum. The case set up by the petitioner is that the property tax was being paid at the rate of Rs.650/- per annum in respect of the said premises. It is stated that no demand notice has been served on the petitioner proposing the enhancement of the tax. It is also the case of the petitioner that the tax assessed on the plinth area is wrongly calculated, as the total plinth area in his possession, according to him, is only 80 Sq. meters.

Be that as it may, the petitioner made a detail representation/objections on 29.3.2005 to the Commissioner of respondent-Municipality, placing certain facts for his consideration and the objection of the petitioner as to why the property tax cannot be levied and collected at the rate of Rs.13,000/- per annum.

We wish not to express any opinion on any of the contentions so raised by the petitioner before the respondent-Municipality. It is needless to observe that the respondent is duty bound to consider the objections raised by the petitioner before taking a final decision in the matter and without taking a final decision in the matter, the petitioner cannot be coerced to pay the property tax at the rate of Rs.13,000/- per annum.

In the circumstances, it would be appropriate to dispose of the writ petition directing the respondent – Municipality to consider the objections dated 29.3.2005 raised by the petitioner and take an appropriate decision thereon after providing an opportunity of being heard to the petitioner. That an appropriate decision in this regard shall be taken within six weeks from the date of receipt of a copy of

this order.

The writ petition is disposed of accordingly.

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B. Sudershan Reddy, J.

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C.V. Ramulu, J.

Date: 25—08—2005.

Note:

C.C. in four days.

(BO) MVB.